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Attorneys for Defendant Gerrit Klaerner

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PARDI, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

TRICIDA, INC., and GERRIT KLAERNER,

Defendant.

Case No. 4:21-cv-00076-HSG

CLASS ACTION

**STIPULATION AND ORDER
REGARDING BRIEFING SCHEDULE
FOR MOTION TO DISMISS**

Assigned to: Hon. Haywood S. Gilliam, Jr.

Pursuant to Federal Rule of Civil Procedure 15, Civil Local Rule 7-12, Lead Plaintiff Michael Pardi (“Lead Plaintiff”) and Defendant Gerrit Klaerner (“Klaerner”) by and through their undersigned counsel, enter into the following stipulation (the “Stipulation”).

WHEREAS:

1. On December 7, 2022, Lead Plaintiff, Defendant Tricida, Inc. (“Tricida”) and Klaerner (together, “Defendants”) filed a stipulation in which Defendants consented to the filing of Lead Plaintiff’s Proposed Second Amended Complaint, and reserved all rights to challenge the Second Amended Complaint on any grounds (ECF No. 111). The stipulation also set forth a proposed briefing schedule for the Motion to Dismiss.

2. On December 9, 2022, the Court granted the parties’ Stipulation. Under the stipulated briefing schedule, Defendants’ Motion to Dismiss (“MTD”) the Second Amended Complaint is due on Monday, January 23, 2023, Lead Plaintiff’s opposition to the MTD is due March 9, 2023, and Defendants’ reply is due April 10, 2023. (ECF No. 112).

3. On January 12, 2023, Tricida filed a Notice of Bankruptcy Filing and Imposition of the Automatic Stay (ECF No. 120). The Notice sets forth that on January 11, 2023, Tricida filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware, and that pursuant to section 362 of the Bankruptcy Code an automatic stay was placed into effect. *See* ECF No. 120.

4. In light of the automatic stay, this stipulation is submitted only on behalf of Klaerner and Lead Plaintiff.

5. On January 13, 2023, the Court issued an order directing Lead Plaintiff to show cause why the case should not be administratively closed in light of the notice of bankruptcy filing and imposition of the automatic stay (ECF No. 121). Lead Plaintiff’s response to the Court’s show cause order is due by January 27, 2023. *Id.*

6. Counsel for Lead Plaintiff and for Klaerner have met and conferred regarding the briefing schedule for the MTD and have agreed to shift all MTD briefing deadlines out by two weeks so that the MTD deadline falls after Lead Plaintiff’s response to the show cause order on

January 27, 2023. Under the modified schedule, Klaerner's MTD would be due on February 6, 2023. There is good cause for this modification to the schedule—a short extension will allow the parties to obtain clarity as to the shape of the case moving forward, including regarding how Lead Plaintiff intends to proceed in light of Tricida's bankruptcy filing and the Court's show cause order. This modification to the schedule will not affect any other case deadlines, all of which were vacated by prior Stipulation and Order (ECF No. 112).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and respectfully requested, by and among the parties hereto, through their undersigned counsel of record, the that Court order as follows:

1. The deadline for Klaerner's motion to dismiss is extended to February 6, 2023;
2. Lead Plaintiff shall file its opposition within 45 days of the filing of the MTD;
3. Klaerner shall file his reply within 30 days of the filing of Lead Plaintiff's opposition to the MTD.

Date: January 19, 2023

Respectfully submitted,

SIDLEY AUSTIN LLP

By: /s/ Sara B. Brody

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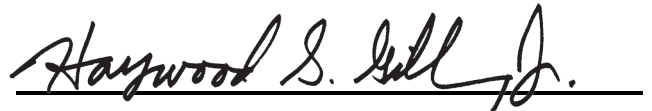
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*Attorneys for Lead Plaintiff Jeffrey M. Fiore
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/19/2023



Honorable Haywood S. Gilliam, Jr.
United States District Judge